THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17839 of 1998

Dated:26.09.2007

Between

M/s. Eenadu, Ushodaya Publications
Somajiguda, Hyderabad
Rep., by its Managing Director.

..Petitioner

and

1.The Additional Industrial Tribunal cum Additional Labour Court, Nampally Hyderabad and another.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17839 of 1998

ORDER:

This writ petition is filed by the Management questioning the order dated 23.4.1998 passed by the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad in MP 67 of 93, whereunder the petition filed under section 33-C (2) of the Industrial Disputes Act, 1947 (for short 'the Act') for determination of amount due and direction for payment was ordered and the petitioner was directed to pay a sum of Rs.6,658.75 as against the claim of Rs.84,410/-.

It appears that the 2nd respondent had filed a petition under Section 33-C (2) of the Act claiming that he is entitled for fixation of salary in the scale of Rs.1720-3355 with effect from 1.1.1988 in view of the notification issued by the Government of India

accepting the recommendations of Justice Bachawat Committee. Thus, the respondent claimed a sum of Rs.84,410/-.

The petitioner herein filed a detailed counter stating that the operation of said notification was stayed by the Supreme Court of India by an order dated. 22.3.1990 in W.P.No.396 of 1990 and therefore the petition under section 33-C (2) of the Act is not maintainable. Further, it was stated that the respondent is a working journalist and governed by the Working Journalists and other News Paper Employees (conditions of service) and Miscellaneous Provisions Act, 1955 (Central Act 45 of 1995) (for short 'the Act'). Further, Section 16 of the Act bars filing an application under Section 33-C (2) of the Industrial Disputes Act and therefore, the petition is not maintainable.

Before the Labour Court, respondent examined himself as WW1 and marked Exs.W1 to W6. On behalf of the petitioner, MWs 1 and 2 were examined and Exs.M1 to M26 were marked

After a detailed consideration of both oral and

documentary evidence, the Labour Court came to the conclusion that the respondent is entitled only to an amount of Rs.6658.75 as admitted by the petitioner and the rest of the claim was not allowed.

The only question raised in this writ petition is as to the very maintainability of the petition under Section 33-C (2) of the Act filed by the respondent-workman. It is the case of the Management that since the respondent is governed by the Working Journalists and other News Paper Employees (conditions of service) and Miscellaneous Provisions Act, 1955 he cannot invoke the jurisdiction of the Labour Court under Section 33-C (2) of the I.D.Act. This issue is no more *res integra.* The maintainability of petition by the said worker was subject matter of a writ petition being W.P.No.396 of 1990 wherein it was held that the petition under Section 33-C (2) of the I.D.Act is maintainable by the employees governed by the Working Journalists and other News Paper Employees (conditions of service) and Miscellaneous Provisions Act, 1955 . Further, the

same was subject matter of a writ appeal being W.A.No.1098 of 1996 and the same was dismissed and it attained finality. Therefore, the plea that the very petition under Section 33-C (2) of the I.D.Act is not maintainable cannot be accepted and nothing survives for further adjudication in this writ petition. Writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

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26-09-2007

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